

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY  
COURT OF COMMON PLEAS

J. MICHAEL BAXLEY, CIRCUIT COURT JUDGE

Ca No: 2013-CP16-431

**RECEIVED**  
JUN 27 2014  
SC Court of Appeals

*172664*

E. Butler McDonald,..... Respondent.

Vs.

Wilkins Lee Byrd, Kay R. Larsen, John Norwood Klettner, Laura K. Bynum, Ann B. Crump, Robert Larsen, Joan Rutledge Gary, John Robert Stanton, John Robert Stanton, Charles E. Stanton, Byrd L. Thomson, and John Doe and Richard Roe as Representatives of all persons unknown claiming any right, title, estate, interest in or lien upon the real estate described in the Appeal herein, including but not limited to any unknown owners, unknown heirs, unknown devisees of S. W. Byrd, Mary Moore Byrd, Etta B. Klettner, S. J. Klettner, Sr., Susan Wilkins Byrd, Mary M. Byrd, Joseph D. Rutledge, John R. Larsen, Charles E. Byrd, Jewel Butler Byrd, Wilkins Norwood Byrd, Ruth Byrd, Mariam Moore Byrd, Mary K. Stanton, S. J. Klettner, Jr., Mary R. Larsen, John Rutledge Gary, Jewel Elizabeth Byrd, or any other person, any unknown infants or persons under disability or persons in the military service designated as Richard Roe, as to the property described in the Petition herein and designated as Tax Map No. 076-00-02-004,

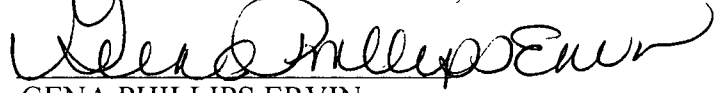
.....Appellants.

MOTION FOR EXTENSION OF TIME TO FILE RESPONDENT'S INITIAL BRIEF

The Respondent hereby moves for a thirty (30) day extension of time to file and serve his initial brief. This request is to allow the Respondent time to properly finalize his Initial Brief and

the Matter to be included in Record on Appeal. This motion is also based on Rule 240 of the Appellant Court Rules and the attached affidavit of Counsel for the Respondent.

RESPECTFULLY SUBMITTED,



GENA PHILLIPS ERVIN  
ORR, ELMORE & ERVIN, LLC  
504 South Coit Street  
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Florence, South Carolina 29503  
Tel: (843)667-6613  
Fax: (843) 667-0340  
Email: [gpe@orrfirm.com](mailto:gpe@orrfirm.com)

ATTORNEYS FOR RESPONDENT

Florence, South Carolina

June 25 2014

Other Counsel of Record:

Brown W. Johnson  
Clark, Johnson, Peterson & McLean  
Post Office Box 1865  
Florence, SC 29503

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.....Appellants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Motion for Extension of Time to File Initial Brief has been served upon the following via first class mail, postage prepaid this 25 day of June, 2014:

Brown W. Johnson  
Clark, Johnson, Peterson, & McLean  
Post Office Box 1865  
Florence, South Carolina. 29503



Gena Phillips Ervin  
Orr, Elmore & Ervin, LLC  
Post Office 2527  
Florence, SC 29503-2527  
Tel: (843)667-6613  
Fax: (843) 667-0340  
Email: [gpe@orrfirm.com](mailto:gpe@orrfirm.com)

Attorneys for the Respondent

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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APPEAL FROM DARLINGTON COUNTY  
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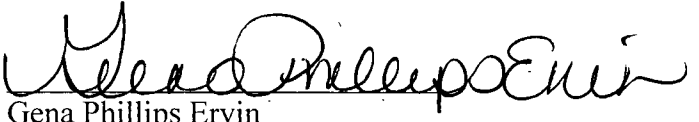
AFFIDAVIT OF COUNSEL FOR RESPONDENT

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Personally appeared before me, Gena Phillips Ervin, who upon being duly sworn, deposes and says as follows:

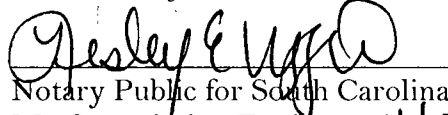
1. I am Gena Phillips Ervin, a practicing attorney in Florence, South Carolina.

2. I represent the Respondent in the above mentioned appeal.
3. The Respondent needs additional time to complete and submit their initial brief.
4. This requested extension of time will not prejudice the Appellants.

  
Gena Phillips Ervin

SWORN TO BEFORE ME

This 25 day of June, 2014

  
Notary Public for South Carolina

My Commission Expires: 4/2/24

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IN THE COURT OF APPEALS

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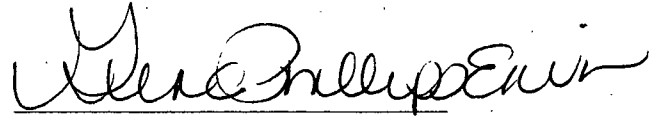
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CERTIFICATE OF SERVICE

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Attorneys for the Respondent

**ORR, ELMORE & ERVIN, LLC**

ATTORNEYS AND COUNSELORS AT LAW

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P.O. BOX 2527

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LAWRENCE B. ORR  
KATHY PRICE ELMORE  
GENA PHILLIPS ERVIN

TELEPHONE (843) 667-6613  
FACSIMILE (843) 667-0340

June 25, 2014

Ms. Elizabeth Carter  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
JUN 27 2014  
**SC Court of Appeals**

RE: E Butler McDonald v. Wilkins Lee Byrd, et al  
Appellant Case No.: 2014-000589  
My File No. 6434.001

Dear Ms. Carter:

Enclosed please find the original and six (6) copies of a Motion of Extension of Time to File Respondent's Initial Brief, Affidavit of Counsel and Certificate of Service in the above mentioned matter. I am also enclosing a check in the amount of Twenty-five and 00/100 Dollars (\$25.00) to cover the cost of filing the same.

If you have any questions, or if the Court needs anything further in order to act on this request, please do not hesitate to call.

With warmest personal regards, I am

Very truly yours,

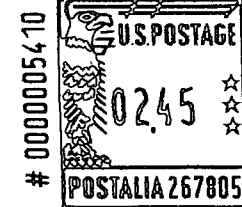
ORR, ELMORE & ERVIN

BY:

  
GENA PHILLIPS ERVIN

GPE/lew  
Enclosures

Cc: Brown W. Johnson, Esquire



ORR, ELMORE & ERVIN, LLC  
ATTORNEYS AND COUNSELORS AT LAW  
504 SOUTH COIT STREET  
P.O. BOX 2527  
FLORENCE, SOUTH CAROLINA 29503

TO

Ms. Elizabeth Carter  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

LEGAL MAIL-PRIVILEGED  
PERSONAL  
AND CONFIDENTIAL